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|------------------------------|-------------------------------|------------------|
| U.S. APPLICATION NUMBER NO.  | FIRST NAMED APPLICANT         | ATTY. DOCKET NO. |
| 10/567,992                   | Russell John Stewart          | 007180-50 US     |
| 36234                        | INTERNATIONAL APPLICATION NO. |                  |
| THE MCCALLUM LAW FIRM, P. C. | PCT/US04/25958                |                  |
| 685 BRIGGS STREET            | I.A. FILING DATE              | PRIORITY DATE    |
| PO BOX 929                   | 08/11/2004                    | 08/11/2003       |
| ERIE, CO 80516               | CONFIRMATION NO. 5509         |                  |

### 371 FORMALITIES LETTER



OC000000041650739

Date Mailed: 05/18/2010

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 02/09/2006
- Copy of the International Search Report filed on 02/09/2006
- Information Disclosure Statements filed on 02/09/2006
- Biochemical Sequence Diskette filed on 01/04/2007
- Oath or Declaration filed on 10/04/2006
- Biochemical Sequence Listing filed on 05/07/2010
- Request for Immediate Examination filed on 02/09/2006
- Copy of references cited in ISR filed on 02/09/2006
- U.S. Basic National Fees filed on 02/09/2006
- Priority Documents filed on 02/09/2006

Applicant's response filed 05/07/2010 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/27/2009 have not been completed.

- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Refer to attachment or PAIR document dated The Sequence Listings could not be accepted due to errors. See the attached error report..

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

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